



China (Taiwan only)

Country Reports on Human Rights Practices - [2001](#)

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Taiwan is a multiparty democracy. The 2000 victory of Democratic Progressive Party (DPP) presidential candidate Chen Shui-bian followed more than 50 years of rule by the Kuomintang (KMT) and marked the first transition from one political party to another in Taiwan's history. The president appoints the premier, who heads the Executive Yuan (EY), or Cabinet. Constitutional amendments adopted in 1997 provided the Legislative Yuan (LY) with the authority to dismiss the Cabinet with a no-confidence vote. In December the DPP won a plurality of seats in the LY in free and fair elections. In addition to the DPP, the KMT, the People First Party, and the Taiwan Solidarity Union play significant roles in the LY. The Judicial Yuan (JY) is constitutionally independent of the other branches of the political system, and the Government respected the judiciary's independence in practice.

The National Police Administration (NPA) of the Ministry of Interior (MOI), the NPA's Criminal Investigation Bureau, and the Ministry of Justice (MOJ) Investigation Bureau are responsible for law enforcement relating to internal security. The police and security agencies are under effective civilian control. The police occasionally committed human rights abuses.

Taiwan has a dynamic, export-oriented, free market economy. Liberalization of the economy has diminished the dominant role that state-owned and party-run enterprises played in such major sectors as finance, transportation, utilities, shipbuilding, steel, telecommunications, and petrochemicals. Services and capital- and technology-intensive industries are the most important sectors. Major exports include computers, electronic equipment, machinery, and textiles. Its more than 22 million citizens generally enjoy a high standard of living and an equitable income distribution.

The authorities generally respected the human rights of citizens; however, there were problems in some areas. Principal problems included police abuse of detainees; prison overcrowding; allegations of judicial corruption; some infringements on citizens' privacy (although wiretaps, which were a problem in the past, are no longer abused); violence and discrimination against women; child prostitution and abuse; societal discrimination against Aborigines; restrictions on workers' freedom of association and on their ability to strike; and a few instances of trafficking in women and children.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution does not directly address the questions of torture and punishment, the Code of Criminal Procedure stipulates that no violence, threat, inducement, fraud, or other improper means shall be used against accused persons; however, there were credible reports that police occasionally physically abused persons in their custody.

The law allows suspects to have attorneys present during interrogations, primarily to ensure that abuse does not take place (see Section 1.d.). Under NPA regulations, suspects may not be questioned at night and, whenever possible, interrogations must be audiotaped or videotaped. The MOJ claims that each interrogation is recorded and that any allegation of mistreatment is investigated. Nonetheless lawyers and legal scholars note that abuses most often occur in local police stations where interrogations are not recorded and when attorneys often are not present. Informed observers note that police emphasize confessions by suspects as the principal investigative tool. Law enforcement agencies remain weak in scientific investigative skills; however, the NPA continued to make efforts to improve its investigative skills, upgrading its crime laboratory technology and training crime scene examiners. International observers also have noted that the judicial system sometimes has accepted confessions even when they contradict available physical evidence or logic. The NPA denies that police abuse suspects. It asserts that regulations forbid such abuse and that police who abuse suspects are punished. Nevertheless there are credible reports that the physical abuse or the threat of abuse of prisoners is a recurring investigative technique. Detainees who are abused physically have the right to sue the police for torture, and confessions shown to have been obtained through torture are inadmissible in court proceedings. In one such case in 2000, in order to obtain a confession, police allegedly physically abused four youths who were suspected of robbery. When the actual culprits later were caught, the head of the police station publicly apologized for the abuse. In December the Shihlin District Court sentenced one of the four police officers involved to 3 months in prison, with a 3-year suspended sentence. The other three officers were referred to the JY's Committee on the Discipline of Public Functionaries for administrative action. The Court also ordered the Taipei City Police Department to pay \$1,428 (NT\$50,000) to each of the victims. In 2000 the retrial of the "Hsichih Trio" who allege police torture in extracting their confessions to a 1992 murder charge began; it remained pending before the court at year's end.

The authorities state that they have made efforts to investigate, prosecute, and punish officials responsible for torture and other mistreatment. Although the basic responsibility for investigating mistreatment lies with prosecutors, the Control Yuan (CY), a coequal branch of the political system that investigates official misconduct, also investigates such cases. While the authorities state that respect for human rights is a part of basic police training, human rights groups assert that the measures the authorities have taken to protect human rights are inadequate to create an ethos of respect for human rights among police and security personnel. Women's and children's rights groups are active in monitoring police and judicial performance and periodically mount campaigns to correct abuses.

Corporal punishment is forbidden under military law and strictly prohibited in practice. In the past, military hazing was a problem; however, the Ministry of National Defense (MND) has promulgated regulations specifying the appropriate treatment of lower ranking personnel, conducted regular polls of servicemen and their families, and established a telephone hot line to discover any abuse.

Prison conditions generally meet international standards; however, overcrowding at the 49 prisons and overly long stays at the detention centers for illegal aliens remained problems, although the authorities have begun to address this latter problem (see Section 2.d.). Despite an increase in facilities in recent years, in August the number of inmates detained exceeded capacity by 4,940 or 9.6 percent.

The authorities permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the authorities generally observe this prohibition. Police legally may arrest without a warrant anyone they suspect of committing a crime for which the punishment would be imprisonment of 5 years or more, when there is ample reason to believe the person may flee. Police may question persons without a formal summons when circumstances are too urgent to report to a public prosecutor. However, immediately after detaining a suspect the authorities must apply to a prosecutor for a warrant to detain the arrestee for up to 24 hours and must give written notice to the detainee or a designated relative or friend, stating the reason for the arrest or questioning. Indicted persons may be released on bail at judicial discretion. In 2000 the NPA ordered all police stations to prohibit the media from photographing persons under detention and to cease providing the names of detainees to the media. In May and August, the MOJ and the NPA strengthened efforts to prevent disclosure of information on detainees to the media; this reduced somewhat the unauthorized release of information.

Under the law prosecutors must apply to the courts within 24 hours after arrest for permission to continue

detaining an arrestee. The duration of this pretrial detention is limited to 2 months, and the courts may approve a single extension of 2 months. Limits also apply for detention during trial. If a crime is punishable by less than 10 years' imprisonment, then no more than 3 extensions of 2 months each may be granted during the trial and appellate proceedings. During the second appeal, only one extension may be granted. The authorities generally observe these procedures, and trials usually take place within 3 months of indictment.

The Code of Criminal Procedure requires the police to inform a suspect during an interrogation of the specific charges in question, the right to remain silent, the right to counsel, and the right to ask the police to investigate evidence that would be favorable to the suspect. If the charges are amended subsequently, the police must inform the suspect. The authorities generally respect a detainee's request to have a lawyer present during the investigation phase, but defense lawyers and human rights groups continue to complain that the rules do not provide adequate protection since suspects often do not have legal representation during police interrogation. A contributing factor is that there is no legal requirement that indigent persons be provided counsel during police interrogation, although such counsel is provided during trials. Informed observers report that the "public defense counsels" do not provide effective defense assistance. They typically do not appear until the final argument of the trial, and they seldom spend a significant amount of time discussing the case with their clients.

The Constitution does not provide for forced exile, and it is not practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; and the Government generally respects this provision in practice. While corruption and political influence were serious problems, in recent years the Government made efforts to eliminate corruption and to diminish political influence. Some dissatisfaction with judicial performance remained, including complaints of corruption.

In recent years, the Judicial Yuan (JY) has taken several measures to reduce political influence on judges. An independent committee using secret ballots decides judicial appointments and promotions. Judicial decisions no longer are subject to review by presiding judges, except in the case of decisions by "assistant judges." The judges themselves decide upon distribution of cases. Finally, judges and the President of the JY are prohibited from taking part in political activities. The Government's anticorruption campaign also has reinforced the JY's efforts to eliminate judicial corruption. The JY's anticorruption department increased efforts to uncover possible corruption cases during the year and is more responsive to public complaints regarding judicial personnel. Measures from the 1999 National Judicial Reform Conference strengthened the supervision and evaluation of judge's performance. Although the LY has yet to enact the JY President's proposed code of judicial conduct, the proposals have resulted in revised precepts for evaluation of judicial performance, and strengthened reviews of judge's financial disclosure reports. In March the JY initiated a human rights course in its judicial training program. These factors have reduced the incidence of judicial misconduct; however, there continue to be complaints of corruption on the part of individual judges. In 2000 a judge in Tainan was arrested on suspicion of running a brothel since 1998 and using his position to protect the business from police scrutiny. The judge has been suspended, and the case still is pending.

The JY is one of the five coequal branches of the political system. The JY is headed by a president and a vice president and also contains the 16-member Council of Grand Justices (CGJ), which interprets the Constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, district courts, the Administrative Court, and the Committee on the Discipline of Public Functionaries. The Administrative Court also provides for judicial review.

The law provides for the right of fair public trial, and this generally is respected in practice. Judges, rather than juries, decide cases; all judges are appointed by, and are responsible to, the JY. In a typical court case, parties and witnesses are interrogated by a single judge but not directly by a defense attorney or prosecutor. The judge may decline to hear witnesses or to consider evidence that a party wishes to submit if the judge considers it irrelevant; a refusal to hear evidence may be a factor in an appeal. Trials are public, but attendance at trials involving juveniles or potentially sensitive issues that might attract crowds may require court permission.

A defendant has the right to an attorney. If the defendant is charged with committing a crime for which the penalty is 3 or more years' imprisonment or if the defendant is indigent, the judge may assign an attorney. Attorneys assigned to defendants generally assist once an indictment has been filed and at trial, but while allowed by law usually are not present during police interrogations. Informed observers report that public defense counsels do not provide effective defense assistance (see Section 1.d.). The law states that a suspect may not be compelled to testify. The Code of Criminal Procedure states that a confession shall not be the sole evidence used to find a defendant guilty. Nonetheless informed observers note that convictions frequently result from a combination of a confession and circumstantial evidence of varying quality. However, in April a

Taipei district court judge acquitted a defendant of theft charges on the grounds that his confession was made involuntarily. Any convicted person has the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of 3 years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences. Under the law, prosecutors have the right to appeal verdicts of not guilty to the next higher court level.

In March the Council of Grand Justices declared the 1985 Antihoolum Law to be unconstitutional. The law, which had departed from international standards of due process, may no longer be used to sentence "hoodlums" to reformatory education.

In June the Taipei District Court adopted the new trial system already in use in the Shilin District Court in Taipei city and in the Miaoli county courts. The new modified adversarial trial system is a potential model for the rest of the judicial system. It was implemented in response to the JY President's 1999 judicial reform proposals and is intended to better protect the rights of the accused.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and the Criminal and Civil Codes contain provisions protecting privacy. In January the LY amended the Code of Criminal Procedure to require prosecutors to obtain judicial approval of search warrants, except when "incidental to arrest" or when there are concerns that evidence may be destroyed. However, critics claim that the incidental to arrest provision is not only unconstitutional but also often interpreted broadly by police to justify searches of locations other than actual arrest sites. According to the NPA, warrantless searches are allowed only in special circumstances, such as to arrest an escapee or if facts indicate a person is in the process of committing a crime. In any such case, the police must file a report with the prosecutor or court within 24 hours. A policeman who carries out an illegal search may be sued for illegal entry and sentenced to up to 1 year in prison. Few defendants or their spouses have filed charges against policemen found to have obtained evidence illegally. Furthermore, illegally obtained evidence is not excluded automatically from consideration by the court; instead, its admission is left to the discretion of the judge. Increasingly judges are excluding illegally obtained evidence, although in the past such evidence was admitted and frequently provided the basis for conviction.

In December the Council of Grand Justices ruled that the Police Administration Law (PAL), which had been used to give police wide discretion in searching persons in public places and stopping vehicles for inspections, did not entitle police to make such searches unless a clear risk to public safety had been established. Noting that such searches could infringe on freedom of movement, privacy, and the right to property, the CGJ instructed the police to revise the PAL in accordance with its ruling immediately.

Although the MOJ and the police continue to use wiretapping as an investigative tool, unauthorized wiretapping has become less of a problem following passage in 1999 of the Telecommunications Protection and Control Law, which imposed severe penalties for unauthorized wiretapping. The Telecommunication Law and Code of Criminal Procedure provide that judicial and security authorities may file a written request to a prosecutor's office to monitor telephone calls to collect evidence against a suspect involved in a major crime. The Ministry of Justice maintains that there are fewer applications for wiretaps under the law because of the tighter regulations in force. A total of 6,505 wiretaps were approved from January through the end of November compared with more than 15,000 wiretaps in 1999, the year before the law went into effect. The law also regulates wiretapping by the intelligence services.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the authorities generally respect these rights in practice.

Print media represent the full spectrum of views within society. However, some political influence still exists over the electronic media, particularly broadcast television stations. The ruling DPP is associated with Formosa TV (FTV), an island-wide broadcast television station based in Kaohsiung. The Government is the largest shareholder of Taiwan Television Enterprise (TTV), and the military is the largest shareholder of the Chinese Television System (CTS), although it does not appear to play any role in programming. The opposition KMT is the largest shareholder of China Television Company (CTV). A fifth island-wide broadcast station is run by a nonprofit public television foundation under the Government Information Office (GIO).

However, the existence of approximately 100 cable television stations, some of which carry programming openly critical of the various political parties, including the ruling party, has diminished greatly the importance of political party influence over the broadcast television stations. Over 80 percent of households receive cable television, which includes local, privately financed channels, as well as many major international networks. Cable television call-in programs have given the public an additional means of expressing its views.

Controls over radio stations were more limited than those over television stations and are being liberalized further. From September 1999 through June, the GIO received 504 applications for radio broadcast frequencies. A total of 77 frequencies were made available, including 45 medium-range and 32 short-range frequencies. As of September, 23 medium-range and 10 short-range frequencies had been apportioned.

Observers noted that licensing requirements oblige prospective radio station owners to have more capital than actually is required to operate a station. This requirement inhibits individuals or groups from applying for radio station licenses. However, the GIO claims that the \$1.5 million (NT\$50 million) required capitalization is based upon consideration of actual business costs and notes that the required capitalization is reduced to \$31,250 (NT\$1 million) for radio stations serving remote areas or designated ethnic groups and civic organizations, or which promote local development. Reportedly over 100 unlicensed "underground" radio stations, many associated with the ruling or with opposition parties, operate illegally.

Among other restrictions regulating the media are those precluding persons previously convicted of sedition from owning, managing, or working in television and radio stations. DPP leaders, many of whom were convicted of sedition after the 1979 Kaohsiung incident, nevertheless are not affected because their rights were restored through presidential amnesties by the previous administration.

There is a vigorous and active free press. In 1999 the LY abolished the Publications Law, which had empowered the police to seize or ban printed material that was seditious, treasonous, sacrilegious, interfered with the lawful exercise of public functions, or violated public order or morals.

The GIO requires that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication and still seeks to ban the importation of publications that advocate communism or the establishment of united front organizations, endanger public order or good morals, or violate regulations or laws. However, few local publishing companies observe this regulation, and substantial People's Republic of China-origin material is imported every year and is widely available at schools and in research institutes. Moreover, cable television systems broadcast uncensored television channels from mainland China.

The authorities respected academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the authorities generally respect this right in practice. Permits are required for outdoor public meetings, and they are granted routinely.

The Constitution provides for freedom of association; and the authorities generally respect this right in practice. The Civic Organization Law requires all civic organizations to register.

Under the Civic Organization Law the Constitutional Court holds the power to dissolve political parties. Grounds for dissolution include objectives or actions that are deemed to jeopardize the existence of the "Republic of China." The Constitutional Court heard no cases under this law during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the authorities respect this right in practice. Religious organizations may register with the central authorities through their island-wide associations under either the Temple Management Law, the Civic Organizations Law, or the chapter of the Civil Code that governs foundations and associations; however, registration is not mandatory. Registered organizations operate on a tax-free basis and are required to make annual reports of their financial operations. While individual places of worship may register with local authorities, many choose not to register and operate as the personal property of their leaders. In the past, concern over abuse of tax-free privileges or other financial misdeeds occasionally prompted the authorities to deny registration to new religions whose doctrines were not clear, but there were no reports that the authorities sought to suppress new religions during the year. In December 2000, the President granted a special amnesty to 19 conscientious objectors who had been imprisoned for refusing military service on religious grounds.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation

The authorities do not restrict freedom of internal travel. Foreign travel by passport holders is common.

Nonresident passport holders usually are issued "overseas Chinese" passports and must seek entry permits for travel to Taiwan. According to the National Security Law (NSL), entry permits may be refused only if there are facts sufficient to create a strong suspicion that a person is engaged in terrorism or violence. Reasons for entry and exit refusals must be given, and appeals may be made to a special board. No exit or entry permit refusals were reported during the year. In 2000, in connection with the trial of a person who had returned to the island without obtaining an entry permit, a high court judge applied to the Council of Grand Justices for review of the law on the grounds that the requirement for nonresident passport holders to obtain permission to enter Taiwan violated constitutional provisions regarding freedom of movement. The matter still is pending in the courts. Holders of nonresident passports who normally reside abroad may return and regain their household registration, a document required to vote or participate as a candidate in an election.

Since 1987 the authorities have relaxed substantially strictures against travel by residents to the Chinese mainland, and such travel is common. Relatively tight restrictions on the entry of Chinese from the mainland for national security reasons, which previously had been relaxed to permit cross-strait exchanges, were further relaxed in December 2000 when the LY passed legislation permitting mainland Chinese to visit for business, academic, or tourism purposes. The Government also revised regulations to permit PRC journalists to come to Taiwan for the first time ever.

There is no law under which noncitizens may ask for asylum, and there were no applications for refugee status during the year. While the authorities have been reluctant to return to the mainland those who might suffer political persecution, they regularly deport to the mainland, under provisions of the Mainland Relations Act, mainlanders who illegally enter the island for economic reasons. There were no reports of forced return of persons to a country where they feared persecution.

Some detention centers for illegal immigrants continued to be overcrowded, and detainees complained about overly long stays at the centers while waiting to be repatriated. Recent expansion projects sought to relieve overcrowded conditions. The Bureau of Entry and Exit faults mainland Chinese authorities for delays in repatriation. In 2000 the authorities began allowing some detained illegal aliens from mainland China to return to the mainland by airplane via Hong Kong at their own expense. Also in 2000 the authorities began repatriating illegal alien mainland Chinese directly from the island of Matsu rather than taking them to detention centers on Taiwan.

During the year, the ship's master and the chief engineer of the Greek cargo vessel M/V Amorgos were prevented from leaving the island for 8 months while the Environmental Protection Agency negotiated with the shipping company's agent on compensation for damages caused by an oil spill when the ship ran aground off the coast of southern Taiwan on January 14. They were allowed to depart the island in August.

The 1999 Entry, Exit, and Immigration Law provides strict sentencing guidelines for alien smuggling. Several cases have been brought before the courts under this law.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully, and citizens exercise this right in practice. In 2000 for the first time an opposition party candidate was elected President, winning a 39 percent plurality in a 3-man race. Generally free and fair popular elections for the LY have taken place four times since 1992.

The Chen administration has made significant progress in its efforts to stamp out corruption and vote buying. Early in the year, it worked to ensure fair Farmer's Association elections, investigating 330 suspected vote-buying cases. The MOJ also conducted a concerted campaign against vote buying in the December legislative and local elections, indicting over 3,700 persons, including 4 legislative candidates and 9 county magistrate candidates. During the year, prosecutors requested heavy sentences for 13 incumbent and former legislators and 7 city and county officials indicted for corruption. One former legislator and three incumbent legislators as well as two city and county officials have been convicted in these cases; the remaining cases are still pending.

In 2000 the Ministry of Justice Investigation Bureau was ordered to cease political intelligence gathering regarding politicians and political parties, and to concentrate on criminal matters.

Following its victory in the 2000 presidential election, the ruling DPP grew to include approximately 450,000 members. The KMT remained the largest political party, with over 950,000 members reaffirming their

membership in a registration drive following the 2000 electoral defeat. The DPP won a plurality in the December legislative elections, obtaining 87 of 225 seats. The KMT, which lost the legislative majority for the first time, won 68 seats. The People First Party more than doubled its representation in the LY, winning 46 seats. The newly established Taiwan Solidarity Union, inspired by the pro-Taiwanese ideology of former president Lee Teng-hui, won 13 seats. The New Party won one seat.

The Constitution provides for equal rights for women, and, while their percentage in government and politics does not correspond to their percentage of the population, their role is increasing. In 2000 a woman for the first time was elected vice president, and nine women are members of the Cabinet, including the Minister of Interior and the Chairperson of the Mainland Affairs Council. Two of 29 Control Yuan members are women. A number of women also hold important political party positions. Two of the 11 members of the DPP Central Standing Committee are women, as are 11 of the KMT's 31 Central Standing Committee members.

Aborigine representatives participate in most levels of the political system, partially through holding 8 reserved seats in the LY--half of which are elected by the plains Aborigines and half by mountain Aborigines. The proportion of legislative seats allocated to Aborigines is almost twice their percentage of the population. An Aborigine serves as Chairman of the Council of Aboriginal Affairs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The principal human rights organizations are the Chinese Association of Human Rights and the Taiwan Association for Human Rights. Both organizations operate freely and investigate human rights complaints, many of which come to public attention through the media and statements by lawmakers from all political parties. The authorities also permit representatives of international human rights organizations to visit and meet with citizens freely. Amnesty International maintains a Taipei office. Women's and children's human rights groups monitor police and judicial performance and campaign to correct abuses.

In his 2000 inaugural address, President Chen declared that Taiwan must include international human rights in its legal code and establish a national human rights commission, and, in December, he announced additional details and a schedule to his human rights promotion program. In January the Ministry of Education initiated a program of human rights education at all levels of the educational system.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality of citizens before the law "irrespective of sex, religion, race, class, or party affiliation." It also provides for the rights of persons with disabilities. While the authorities are committed to protecting these rights, discrimination against some groups continues.

Women

Violence against women, including domestic violence and rape, remains a serious problem. Domestic violence is especially widespread. The authorities fund domestic violence hot lines, which also handle calls for assistance from victims of sexual assault and child abuse. From January to July, the hot line received 52,000 calls. The Ministry of Justice continued to take steps to strengthen the protection of women and children against violence in accordance with the 1999 Domestic Violence and Protection Control Law. The law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. Although some cases are prosecuted, strong social pressure discourages abused women from reporting incidents to the police in order to avoid disgracing their families. Rape also remains a serious problem, and its victims are stigmatized socially. One expert estimates that 7,000 rapes occur annually--10 times the number reported to the police. In 1999 the LY passed legislation that permits the prosecution of the crime of rape without requiring the victim to press charges. Under the law, rape trials are not public unless the victim consents. The Code of Criminal Procedure establishes the punishment for rape as not less than 5 years' imprisonment, and those convicted usually are sentenced to from 5 to 10 years in prison. There were 2,042 cases of rape or sexual assault reported in 1999, the most recent year for which statistics are available. Spousal rape is a crime. In February the Ministry of Interior adopted a new procedure under which doctors, social workers, police, and prosecutors jointly question victims of sexual abuse in order to reduce the number of times a victim is questioned. From January to November, 1,978 persons were indicted for rape or sexual assault and 1,110 were convicted.

The law requires all city and county governments to set up domestic violence prevention and control centers. The centers provide victims with protection, shelter, legal counseling, and other services on a 24-hour basis. From January to October, 29,368 cases were referred to city and county government domestic violence

prevention and control centers. During that same period, local centers consulted with 114,691 persons, helped issue 8,491 protection orders, and assisted in emergency shelter for 1,307 persons. Under the law, a judicial order may be obtained to prohibit violators from approaching victims. The Ministry of Interior also provides assistance, such as financial assistance and shelter, to victims of rape or domestic violence. In 1999 the Ministry established a domestic violence prevention committee to implement a comprehensive program for the protection of women and children. The committee, among other things, ensures that the various prevention and control centers are functioning effectively, and that other government agencies, such as the police, are handling domestic violence cases appropriately. The committee also works with NGO's on these issues.

Prostitution, including child prostitution, also is a problem; there were no reports of women being coerced into prostitution during the year (see Section 6.f. and 6.c.). The authorities are phasing out legalized prostitution; in 1999 the LY banned prostitution, but exempted 23 brothels and 119 prostitutes already registered with the authorities. Under the law, no new houses of prostitution may be registered. There have been reports of a growing trend of young women, often well educated, entering into part-time prostitution to earn additional spending money. There also are credible reports of a small number of women being trafficked onto the island for purposes of prostitution (see 6.c. and 6.f.), and reports of a larger number of women who enter for purposes of engaging in prostitution.

Sexual harassment is a problem that is being actively addressed. In April a mid-level manager in the Democratic Progressive Party's headquarters was accused of sexually harassing a subordinate. Several of the alleged victim's coworkers held a press conference to demand action. Following an investigation, the alleged offender resigned.

The law prohibits sex discrimination. Many sections of the legal code that discriminated against women have been eliminated. For example, women are no longer required to adopt their husband's last name after marriage, and the citizenship law was amended in 2000 to permit transmission of citizenship through either parent.

In December the LY passed the Gender Equality in the Workplace Act, which provides for equal treatment with regards to salaries, promotions, and assignments. The law also stipulates that measures be taken to eliminate sexual harassment in the workplace. Women's advocates have noted that women were promoted less frequently and worked for lower pay than their male counterparts, and that women were not granted maternity leave or were forced to quit jobs due to marriage, age, or pregnancy, despite the fact that previously existing labor laws afforded women some protections against gender-based discrimination in the workplace. According to the Council on Labor Affairs, salaries for women average 85 percent of those for men performing comparable jobs. Most city and county administrations have set up committees to deal with complaints of sexual discrimination in the workplace.

In March the Ministry of Education initiated a program to promote equal educational opportunities for both sexes, to include units on family life, relations between the sexes, and equal opportunity rights in educational material at all levels.

NGO's involved with women's issues include the Taiwan Women's Rescue Foundation and the Women Awakening Foundation, which help female victims of domestic violence; and the Garden of Hope Foundation, which helps rescue child prostitutes. In April 60 women's organizations joined together to form the National Union of Taiwan Women to promote women's rights throughout the island. In December President Chen reiterated his administration's determination to protect teenage girls from commercial sexual exploitation and signed a declaration drafted by the Garden of Hope Foundation to increase public awareness of the need to protect the rights of teenage girls.

Children

The Constitution has provisions to protect children's rights, and the authorities are committed to supporting them. Education for children between 6 and 15 years of age is free and compulsory, and this rule is enforced. The percentage of school age children attending primary school is 99.94 percent, and those attending junior high school 99.86 percent. Children also are provided health care under the national health insurance scheme.

Child abuse is a significant problem. In 2000 according to MOI statistics, there were 5,211 cases of child abuse. The 1999 Domestic Violence Control Law established a Domestic Violence Protection Center, which provides for protection against child abuse. Under the law any persons discovering cases of child abuse or neglect must notify the police, social welfare, or child welfare authorities; child welfare specialists must make such notification within 24 hours; and the authorities involved must issue an investigation report within 24 hours. Both the Ministry of Interior's Social Affairs Department and nongovernmental specialists assert that these requirements are followed. In 2000 a senior member of a Buddhist academy was charged with sexually

assaulting several novice monks who were children; at year's end the case was still pending. A Child Welfare Bureau to enhance efforts to protect child welfare exists in the MOI. Financial subsidies are provided to low-income families with children in day care facilities and to local governments to promote child protection efforts. In 2000 the MOI assisted city and county governments in establishing 10 daycare facilities and 18 child protection centers, accommodating more than 1,400 children and investigating over 1,300 cases. The MOI also coordinates the efforts of city and county governments and NGO's in protecting aboriginal children. During 2000 more than 8,000 children who had dropped out of school were helped to return to school. In January a hot line was established to accept complaints of child abuse and offer counseling. Courts are authorized to appoint guardians for children who have either lost their parents or whose parents are deemed unfit.

In 1999 the first juvenile court was established in Kaohsiung to handle criminal cases. Previously regular courts handled such cases. The court includes 24 juvenile counselors, and is believed to have been effective in dealing with juvenile criminal cases. There are three juvenile detention centers on the island.

Although no reliable statistics are available, child prostitution is a serious problem, particularly among aboriginal children (see Section 6.c. and 6.f.). Most child prostitutes range from 12 to 17 years of age. The juvenile welfare law enables juvenile welfare bodies, prosecutors, and victims to apply to courts for termination of guardianship of parents and the appointment of qualified guardians if parents have forced their children into prostitution. If children are engaged in prostitution of their "own free will," and the parents are incapable of providing safe custody, the courts may order competent authorities to provide counseling for not less than 6 months and not more than 2 years. However, legal loopholes and cultural barriers remain obstacles to enforcement. According to well-informed observers, the practice of aboriginal families selling their children into prostitution no longer exists.

According to some reports, brothel owners, to prevent child prostitutes from escaping, use violence, drug addiction, and other forms of coercion. The law provides for up to 2 years' incarceration for customers of prostitutes under the age of 18. The law also requires the publication of the names of violators in newspapers. Between January and November, the names of 29 persons convicted of patronizing child prostitutes were published. Under a plan adopted by the NPA, city and county authorities across the island have established police task forces to strengthen their efforts against child prostitution. In 2000 the police conducted 830 raids and rescued 633 child prostitutes. During the first 7 months of the year, 429 persons were arrested for violations of the law, resulting in 292 convictions. The law prohibits the media from running advertisements involving the sex trade and imposes penalties on citizens arrested abroad for having sex with minors (see Section 6.f.).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and sets minimum fines at approximately \$2,400 (NT\$73,800) for violators. New public buildings, facilities, and transportation equipment must be accessible to the persons with disabilities, and they appear to meet the requirements. Existing public buildings were to be brought into conformity by 1995; however, there does not as yet appear to be a substantial effort aimed at refitting older buildings to accommodate persons with disabilities.

According to MOI statistics, as of March there were 724,224 persons with disabilities. One-third of the total are severely disabled and receive shelter or nursing care from the authorities. The Disabled Welfare Law requires large public and private organizations to hire persons with disabilities equal to 2 and 1 percent of their work forces respectively. Organizations failing to do so must pay, for each person with disabilities not hired, the basic monthly salary (approximately \$570 (NT\$18,880)) into the Disabled Welfare Fund, which supports institutions involved in welfare for persons with disabilities. Many organizations complain that it is difficult to find qualified workers with disabilities, and they appear to prefer to pay the fines involved. Another law requires that, to compete for government contracts, a firm with at least 100 employees must include among its employees a minimum of 2 percent of either persons with disabilities or Aborigines. Both the central and local governments have established committees for the protection of persons with disabilities.

Indigenous People

The island's only non-Chinese minority group consists of the aboriginal descendants of Malayo-Polynesians already established when the first Chinese settlers arrived. According to the Council of Aboriginal Affairs, in June there were 414,000 Aborigines. More than 70 percent are Christian, while the dominant Han Chinese are largely Buddhist or Taoist. The civil and political rights of Aborigines are protected fully under law. The National Assembly amended the Constitution in 1992 and again in 1997 to upgrade the status of aboriginal people, protect their right of political participation, and to ensure their cultural, educational, and business development. In addition the authorities instituted social programs to help Aborigines assimilate into the dominant Chinese society. The cabinet-level Council of Aboriginal Affairs was established in 1996 to protect aboriginal rights and

interests. Critics have noted that its budget is quite small. As part of its efforts to preserve ethnic identities, the Ministry of Education includes some Aborigine-language classes in primary schools. The Ministry of Education subsidizes university education for Aborigines and works to preserve aboriginal culture, history, and language through the establishment of Aborigine studies centers. The law requires that, to compete for government contracts, a firm with at least 100 employees must include among its employees a minimum of 2 percent of either persons with disabilities or Aborigines.

Although they face no official discrimination, Aborigines have had little impact, over the years, on major decisions affecting their lands, culture, traditions, and the allocation of their natural resources. In addition they complain that they are prevented from owning ancestral lands in mountain areas under the authorities' control, some of which have been designated as national parks or conservation areas. Land rights remain a crucial issue for Aborigines, along with social discrimination, educational underachievement, low economic status, and high rates of alcoholism. Some Aborigine leaders have come to believe that only some form of autonomy can preserve their land rights, which constantly are threatened by Chinese developers who use connections and corruption to gain title to aboriginal land. According to Council of Aboriginal Affairs' statistics, only about 70 percent of Aborigine children complete elementary school.

The sale of Aborigine children into prostitution by their parents reportedly no longer occurs.

Section 6 Worker Rights

a. The Right of Association

Although the JY ruled in 1995 that the right to organize trade unions is protected by the Constitution, legislation implementing this decision has not been passed; teachers, civil servants, and defense industry workers are not permitted to form labor unions. Even with this ruling, a number of laws and regulations limit the right of association. Labor unions may draw up their own rules and constitutions, but they must submit these to the authorities for review. Labor unions may be dissolved if they do not meet certification requirements or if their activities disturb public order. However, there were no instances of the authorities dissolving local labor groups or denying certification to new labor unions during the year.

The Labor Union Law requires that labor union leaders be elected regularly by secret ballot, and, in recent years, workers have sometimes rejected ruling party or management-endorsed union slates. During the year there were no reports of political interference in labor union affairs.

Labor unions may form confederations, but in the past no administrative district, including a city, county, or province, could have competing labor confederations. In 2000 the Government significantly eased restrictions on the right of association by recognizing three new island-wide labor federations: The Taiwan Confederation of Trade Unions (previously known as the National Federation of Industrial Unions), the Chinese Labor Unions Federation, and the National Trade Union Confederation. Nonetheless the percentage of workers who are labor union members has not increased in recent years in the face of a relatively low unemployment rate, higher wages, the shift from manufacturing to service industries, the small scale and poor organization of most unions, and past prosecution of labor activists by the authorities. As of March, some 2.9 million workers, approximately 30 percent of the 9.8 million-person labor force, belonged to 3,854 registered labor unions.

The law governing labor disputes recognizes the right of labor unions to strike but imposes restrictions that make legal strikes difficult and seriously weaken collective bargaining. For example, the authorities require mediation of labor/management disputes when they deem the disputes to be sufficiently serious or to involve "unfair practices." The law forbids both labor and management from disrupting the "working order" when either mediation or arbitration is in progress. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses. Employers in the past sometimes ignored the law and dismissed or locked out workers without any legal action being taken against them, although no such cases were reported during the year. The Council of Labor Affairs (CLA) reported that from 1990-99, there were 34 strikes, of which 23 involved workers at bus companies seeking increased pay and reduced hours. There were no strikes during the year or in 2000.

In 1971 the People's Republic of China replaced Taiwan in the International Labor Organization. However, in August the CFL's president attended an ILO regional meeting, the first such participation in an ILO meeting since 1971. The CFL is affiliated with the International Confederation of Free Trade Unions. The new federations are not internationally affiliated.

b. The Right to Organize and Bargain Collectively

Except for the categories of workers noted in Section 6.a., the Labor Union Law and the Settlement of Labor

Disputes Law give workers the right to organize and bargain collectively.

Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are labor union members. However, in practice employers sometimes have dismissed labor union leaders without reasonable cause, or laid them off first during employee cutbacks, and observers point out that the law has no specific penalties for violations. According to the National Federation of Independent Trade Unionists, over 400 trade unionists and supporters have been fired since the labor movement began to expand after the 1987 lifting of martial law.

The Collective Agreements Law provides for collective bargaining but does not make it mandatory. The 301 collective agreements in force in March involve roughly 26 percent of industrial labor unions and cover a relatively small proportion of the total workforce. Employers set wages generally in accordance with market conditions.

Firms in export processing zones are subject to the same laws regarding treatment of labor unions as other firms and follow normal practices including collective bargaining agreements with their unions.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; including forced and bonded labor by children; however, there were three cases of forced child prostitution prosecuted by the authorities, and there are allegations of trafficking in women (see Sections 5 and 6.f.).

In 1999 nine women who were forced to work as "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Government) filed lawsuits in Japan seeking \$100,000 (NT\$3,000,000) and a formal apology from the Japanese Government. The case remained before the courts at year's end.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Standards Law (LSL) prohibits forced and bonded child labor, and the authorities generally enforce this prohibition effectively. There were three cases of forced child prostitution prosecuted by the authorities. To protect children from the worst forms of exploitation, the authorities have enacted a Child Welfare Law, a Juvenile Welfare Law, and a Child and Juvenile Sexual Transaction Prevention Act to protect children from debt bondage, prostitution, pornographic performances, and other illicit activities specified in ILO Convention 182. The LSL stipulates age 15, after compulsory education required by law ends, as the minimum age for employment. County and city labor bureaus enforce minimum age laws.

e. Acceptable Conditions of Work

The Labor Standards Law mandates labor standards and addresses rights and obligations of employees and employers in the agriculture, forestry, fishery, animal husbandry, mining and quarrying, manufacturing, construction, public utilities, transportation, warehousing, communications, mass media, and other sectors designated by the Ministry of Interior. The law is not well enforced in areas such as overtime work and pay or retirement payments. By the end of 2000, the LSL covered 5.7 million of Taiwan's 6.8 million salaried workers. The CLA conducts publicity campaigns to increase public awareness of the law and has set up telephone hot lines to accept complaints of LSL violations.

The CLA did not increase the minimum monthly wage, which remained at \$505 (NT\$15,840). While sufficient in less expensive areas, this wage does not assure a decent standard of living for a worker and family in urban areas such as Taipei. However, the average manufacturing wage is more than double the legal minimum wage, and the average for service industry employees is even higher. In 2000 the LY passed legislation to reduce working hours from 48 hours per week to 84 hours in 2 weeks. In the public sector, there is a 5-day workweek every other week. According to a CLA survey, about one-third of private enterprises also have 5-day workweeks every other week.

The law provides only minimal standards for working conditions and health and safety precautions; it gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment.

Critics allege that the CLA does not effectively enforce workplace laws and regulations because it employs too few inspectors. During the year, there were 257 inspectors available for the approximately 300,000 enterprises

covered by the Occupational Safety and Health Law. From 1999 to 2000, the number of inspections increased by 28 percent from 31,814 to 40,715. The CLA maintains that it has strengthened its safety checks at workplaces with a greater risk of worker injury and is offering training programs to help workers protect their rights. Since many enterprises are small, family-owned operations employing relatives unlikely to report violations, actual adherence to the hours, wage, and safety sections of various labor laws is hard to document but is believed to be minimal in these smaller enterprises. The CLA has established hot lines to receive complaints about safety violations.

According to CLA statistics, in June there were 324,600 legal foreign workers, including approximately 142,000 workers from Thailand, 89,000 workers from the Philippines, and 10,500 from Vietnam. In May the CLA announced that foreign workers would not be allowed to be employed on major public construction projects, and that it intended to reduce the number of foreign workers on the island by 15,000 workers per year.

The law stipulates that foreign workers who are employed legally receive the same protection as local workers. However, in 1998 foreign domestic workers were exempted from the LSL, denying them the right to safeguards provided to citizens. Moreover authorities say that in many cases illegal foreign workers, many from Thailand and the Philippines, receive board and lodging from their employers, but no medical coverage, accident insurance, or other benefits enjoyed by citizens. In response to deteriorating economic conditions the Government adopted a proposal by the Economic Development Advisory Conference, that, beginning with contracts signed in September, room and board expenses for foreign workers may be treated as in-kind payments and deducted from foreign workers pay.

Illegal foreign workers also are vulnerable to employer exploitation in the form of confiscation of passports (making it difficult to change employers), imposition of involuntary deductions from wages (including for room and board), and extension of working hours without overtime pay. There also were reports that foreign workers often paid high agency fees to obtain jobs. In addition observers say that conditions in many small- and medium-sized factories that employ illegal foreign labor are dangerous, due to old and poorly maintained equipment. Observers have alleged that legal foreign workers are sometimes similarly exploited. The CLA urged employers not to mistreat foreign workers, and employers are subject to the same penalties for mistreating foreign workers as for mistreating citizen workers. In an effort to reduce broker fees, the CLA revoked permits of agencies charging excessive fees, and local governments inspected agency hiring practices. The CLA also negotiated direct hire agreements with labor sending countries, and encouraged NGO's to establish nonprofit employment service organizations to assist foreign laborers in locating employment.

In 2000 the CLA ended the practice of requiring foreign female workers to undergo pregnancy tests. In the past, those who tested positive were subject to immediate deportation. The CLA has established 20 offices around the island to provide counseling and other services to foreign workers; it also provides financial assistance to city and county governments to conduct inspections of places where foreign workers are employed. It is attempting to reduce the number of illegal foreign workers.

f. Trafficking in Persons

The Statute for the Prevention of Child and Juvenile Sexual Trafficking empowers the authorities to prosecute any person who forces a child below the age of 18 to engage in sex or sells or pawns such a child by other means. Provisions in the Criminal Code could be used to prosecute traffickers in persons above the age of 18. Trafficking in persons is a problem.

The island remained a significant transit point and, to a lesser extent, a destination for trafficked persons. There were reports of organized crime rings trafficking in a small number of women for purpose of prostitution. The majority of cases involve women from mainland China, Thailand, or Cambodia. Criminal gangs in mainland China reportedly use deceptive measures to recruit and procure young women who were then trafficked to Taiwan-based organized crime gangs who arranged sham marriages to enable them to obtain visas to enter Taiwan, and exploited them for purposes of prostitution. Many of the victims were aware that they were to work as prostitutes, but were deceived by the traffickers about what their pay and working and living conditions would be upon arrival. Once in Taiwan, they were kept isolated, their passports held, and they were threatened with violence if they did not cooperate. Small numbers of young Malaysian women, primarily ethnic Chinese, were trafficked to Taiwan for sexual exploitation. Burmese and Indonesians also were trafficked to Taiwan. The authorities, academic experts, and NGO experts claim that the number of trafficking victims has decreased significantly in the past few years. The authorities reportedly prosecuted eight trafficking cases during 2000.

Taiwan remained a significant transit point for persons from mainland China attempting to travel illegally to the United States and other countries. Some of these illegal migrants become trafficking victims in the destination

countries. In 1999 the LY enacted legislation which criminalized alien smuggling (see Section 2.d.).

Police are trained in handling trafficking, prostitution, and cases of domestic violence. The Government works with NGO's to provide counseling and medical assistance to victims as needed. Foreign victims of trafficking were repatriated as quickly as possible.